

REMARKS

Applicant's representative Valerie Sarigumba conducted a telephone conference with Examiner Jamie Vent on June 8, 2006 discussing the Office action mailed March 8, 2006. During the conference, Examiner Vent agreed to consider amendments to the claims involving: (a) clarification of the description of conflicts and (b) specifying levels of priority for timeslots. Examiner Vent also agreed to consider arguments regarding the prior art failing to teach the retention of buffer time slots and failing to teach the types of conflicts disclosed in the presently amended claims. Examiner Vent further agreed to consider arguments asserting that the reference numbers in U.S. Patent No. 6,141,488 to Knudson et al. ("Knudson") do not establish priority between the reference numbers.

Thus, reconsideration of this application and withdrawal of the rejections set forth in the Office action mailed March 8, 2006 are requested in view of this amendment and the following remarks. Claims 1, 3, 5, 6, 15, and 17 have been amended. Claim 5 has been amended to clarify first and second types of timeslots in light of the phone conference with the Examiner. The amended claims are fully supported by the original specification at least at paragraphs 47-55 and 61-68, and no new matter has been added.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1, 3, 5, 6, 15, and 17:

Claims 1, 3, 5, 6, 15, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of U.S. Patent No. 6,208,799 to Marsh et al. ("Marsh"). For the reasons set forth below, claims 1, 3, 5, 6, 15, and 17 are patentable over the prior art.

To begin with, Knudson does not teach resolving a conflict between

automatically-selected timeslots, user-selected timeslots, or both automatically-selected and user-selected timeslots, as recited in claim 1. Additionally, Knudson does not teach resolving a conflict between automatically-selected timeslots, non-automatically-selected timeslots, or both automatically-selected and non-automatically-selected timeslots, as recited in claims 3, 6, 15, and 17. Furthermore, Knudson does not teach resolving a conflict wherein a first type of timeslot is a user extended trail time slot less than a fixed interval, and a second type of time slot is a core time slot having a higher priority, as recited in claim 5.

In addition, Knudson eliminates a trailing buffer of a first program when a second program is selected for recording. (Knudson, Col. 7, lines 59-63.) Claim 1, on the other hand, recites a user extended lead timeslot or a user extended trail timeslot having a first higher priority, which Knudson does not teach.

Claim 7:

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Marsh and further in view of U.S. Patent No. 6,233,389 to Barton et al. ("Barton"). The Office action points to Knudson, Figs. 4 and 5, as a basis for rejecting claim 7 by stating that "element 82 has less priority (a lesser number) over element 84." For the reasons stated below, Applicant disagrees with this interpretation of Figs. 4 and 5 and respectfully submits that claim 7 is thus patentable.

First, Fig. 4 is actually labeled "Prior Art" and does not disclose an embodiment of the invention. Nor does Fig. 4 disclose an embodiment of the invention in combination with Fig. 5 or a precursory step to Fig. 5. Knudson distinguishes between the two figures by describing Fig. 5 as featuring an improvement over the prior art shown

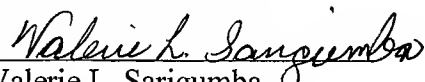
in Fig. 4. (Knudson, Col. 7, lines 45-65.)

Second, the reference numbers in Figs. 4 and 5 (such as 82 and 84 in Fig. 4 and 86, 88, and 92 in Fig. 5) do not actually establish any kind of priority based on one number being higher than the other. The reference numbers simply distinguish between buffer segments and programs (reference numbers 78 and 84 are for programs, reference numbers 80 and 82 are for buffer segments). (Knudson, Col. 7, Lines 41-58.) This is further demonstrated as Knudson teaches reference number 92 for a trailing buffer segment in Fig. 5 may be eliminated, while reference number 88 for a program is not, and 92 is the higher number. Another example is that Knudson further states “all buffer segments may be eliminated,” and yet the buffer segments have higher reference numbers (90 and 92) than the programs (86 and 88). (Knudson, Col. 7, line 59 – Col. 8, line 1.)

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims now presented in this application define patentable subject matter over the cited prior art. Accordingly, reconsideration and allowance of the application are requested. If the Examiner feels that a telephone interview could expedite resolution of any remaining issues, the Examiner is encouraged to contact Applicant's undersigned representative at the phone number listed below.

Respectfully submitted,


Valerie L. Sarigumba
Registration No. 55,594
Phone: (773) 972-0756
Fax: (949) 625-8955

Customer No. 23410
Vista IP Law Group LLP
2040 Main Street, 9th Floor
Irvine, California 92614
Phone: (949) 724-1849
Fax: (949) 625-8955